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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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LARSON NEWMAN ABEL  
POLANSKY & WHITE, LLP  
5914 WEST COURTYARD DRIVE  
SUITE 200  
AUSTIN, TX 78730

EXAMINER

MANNING, JOHN

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/039,436		BIRMINGHAM, BLAIR B.A.	
	<b>Examiner</b>		<b>Art Unit</b>	
	John Manning		2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 15-25, 27-49, 51-54 and 56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-25, 27-49, 51-54 and 56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues, "...Harrison does not provide a still image of a video content, as recited in claim 11, but instead changes a tuner to provide an entirely new channel." The examiner respectfully disagrees. Video is provided to the user, where video is merely a collection of still images. By virtue of the fact that Harrison provides the user with many still images, the user is sent "a still image".

Applicant argues, "...Harrison does not provide an audio clip or a video clip, but instead provides a new channel in response to decoded channel data." The examiner respectfully disagrees. The system off Harrison automatically pre-empts the current channel being displayed based on the user defined key words, where an entirely new channel is displayed. The portion of time that the new channel is displayed meets the limitation of an audio clip and a video clip.

The Official Notice of claims 7, 33 and 48 have not been traversed by the applicant. Consequently, the Officially Noticed facts are admitted prior art.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8, 11-13, 16-17, 18-20, 23-25, 28-32, 34, 37-39, 42-47, 49 and 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Croy et al. (US Pat No 6,476,825).

In regard to claims 1, 16-17, 28 and 42, Harrison discloses a signal processing unit is provided with at least one analyzing unit to analyze channel data generated for a number of channels of a communication signal indicative of its channel contents to determine if channel contents of the channels are among channel contents defined by selection data (abstract). The claimed limitation of "receiving television content, the television content including closed captioning content" is met by Figure 2, Item 200. "The decoding unit 240 receives the monitored video signals from the tuning unit 200 and decodes (converts) the video signal into channel data indicative of the contents of the signals received by each channel being monitored. Decoding video signal is well known in the art and will not be discussed in detail. For example, many traditional televisions provide programs that are closed-captioned for the hearing impaired. The information transmitted to a closed-captioned television-according federal standards (USFCC regulations 47 C.F.R 73.682(a)(22))-is decoded into ASCII text by a decoder, such as a close-caption decoder available from EEG Technology, Inc., in the closed-captioned television and displayed on the television screen. Another method of decoding is using data transmitted in the vertical blank interval of a transmitted television signal or using speech to text conversion devices, both of which are well

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known in the art and will not be described in detail" (Col 4, Lines 23-39). The claimed limitation of "identifying a first portion of the television content based on the closed captioning content" is met by is met by Figure 2, Items 250 and 260. "Responsive to the decoded signals 245 and predefined profile information, the analyzing units 250 determine whether the video signals being monitored by the tuning units 200 include predefined items of interest to the user. In one embodiment, analyzing units 250 are divided into analyzing units for different types of data including text analyzing unit 252, numeric analyzing unit 254, graphic image analyzing unit 256 and internet URL analyzing 258" (Col 3, Lines 53-59). The claimed limitation of "providing content associated with the first portion of the television content..." to a remote device is met by is met by Figure 2, Items 270 and 275. "The analyzing units 250 are also coupled to an arbitrating unit 270 via lines 255. The arbitrating unit 270 resolves display contentions between one or more analyzing units contending for the display/record unit when one or more predetermined items of interest are detected by the decoding units 240 and the analyzing units 250. From the arbitrating unit 270 selected signals 275 are provided to the display/record unit to display or record based on the user's profile information stored in the profile unit 260" (Col 4, Lines 3-11; Also see: Col 4, Lines 23-39; Col 3, Lines 53-59). Where the remote device is the TV or recording unit. Harrison is silent with respect to the remote device being wireless. Croy teaches a remote device that receives and displays video programming and other information so as to so as to provide the user with privacy (See Col 2, Lines 10-23, Col 2, Lines 26-40).

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Consequently, it would have been obvious to one of ordinary skill in the art to modify Harrison with a wireless remote device for the stated advantage.

In regard to claims 2-6, 8, 18-20, 29-32, 34, 43-47 and 49, the claimed steps of "identifying includes the steps of: searching the closed captioning content for a keyword; and selecting the first portion of the television content based on a location of the keyword within the closed captioning content", "wherein the keyword is indicated by a user", "wherein the keyword includes one of: a single word, a plurality of words, and a phrase", "wherein the step of identifying includes the steps of: obtaining a set of parameters; and selecting the first portion of the television content based on the set of parameters" and "wherein the set of parameters includes at least one keyword" are met by Figure 2, Items 250 and 260. "The analyzing unit 250 uses a user specified predefined list of data including "triggers" and items of channels stored in the profile unit 260 and the decoded channel data from the decoding unit 240 to determine which channels to display to the user. For example, the user may define a list of text of interest, such as monitoring the business channel so that anytime the word "Intel" is detected, the tuner automatically pre-empts the current channel being displayed" (Col 4, Lines 43-50). "In the preferred embodiment, the user can reprogram the contents of the profile unit 260. That is, the user can change the channel information, the priority numbers of the channels being monitored, or the triggering text for each channel being monitored as well as the action to take once a trigger item is detected" (Col 5, Lines 35-40).

In regard to claims 7, 33 and 48, Harrison discloses specifying channels as a parameter (See Col 3, Lines 65-67; Col 4, Lines 1-2). Harrison fails to explicitly disclose specifying a time period as a parameter. However, the examiner take Official Notice that it was notoriously well known in the art to specify a time period as parameter so as to narrow the search window thereby relieving unnecessary demand on the system. Consequently, it would have been obvious to one of ordinary skill in the art to modify Harrison with specifying a time period as a parameter for the stated advantage.

In regard to claims 11-13, 23-25, 37-39 and 52-54, Harrison discloses outputting the both video and audio responsive to the analysis. Where video is inherently a temporally sequenced collection of still images (See Col 4, Lines 54-67; Col 5, Lines 1-34).

In regard to claims 15, 27, 41 and 56, Croy discloses a hand-held computing device (See Figures 2 and 3).

4. Claims 9-10, 21-22, 35-36 and 50-51 rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Croy et al. and further in view of Taylor, Jr. et al. (US Pat No 6,710,812).

In regard to claims 9, 21, 35 and 50, the combined teaching fails to explicitly disclose the claimed limitation of "wherein the set of parameters is specified by the user through a website". Taylor teaches searching closed captioning information where the search parameters are submitted through a website so as to allow the user to use the

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system via the widely accessible Internet. "Another element of program 530 is a search engine interface, 531, allowing users to submit search parameters to the index. The preferred embodiment of such an interface is a series of World Wide Web pages. The pages are accessible via the Internet, although similar interfaces may be made available through other communications networks" (Col 8, Lines 3-9; Also see: Col 1, Lines 18-24, Col 2, Lines 18-24). Consequently, it would have been obvious to one of ordinary skill in the art to modify the combined teaching with searching closed captioning information where the search parameters are submitted through a website for the stated advantage.

In regard to claims 9-10, 21-22, 35-36 and 50-51, the combined teaching fails to explicitly disclose the claimed limitation of "wherein the content associated with the first portion includes a text transcript based on the closed captioning content". Taylor teaches providing a text transcript based on the closed captioning content so as to provide a timely and cost effective way to monitor newscasts. "Accordingly, it is a principal object of the present invention to provide a timely, comprehensive, and cost effective means for the monitoring, decoding, transmission, filing and retrieval of television word content through the client server based processing of closed captioned text. It is a further object of the invention to provide such means that makes such text accessible to end users via the World Wide Web or other communication networks. Other objects of the present invention, as well as particular features, elements, and advantages thereof, will be elucidated in, or be apparent from, the following description and the accompanying drawing figures" (Col 2, Lines 18-29; Also see: Col 1, Lines 20-

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35; Col 3, Lines 60-67; Col 4, Lines 1-25). Consequently, it would have been obvious to one of ordinary skill in the art to modify the combined teaching with providing a text transcript based on the closed captioning content for the stated advantage.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM  
July 27, 2006



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600